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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,165	02/04/2002	Michael J. Wookey	P7231	4921
33438	7590	09/22/2005	EXAMINER	
HAMILTON & TERRILE, LLP			LIN, KENNY S	
P.O. BOX 203518			ART UNIT	
AUSTIN, TX 78720			PAPER NUMBER	
			2154	
DATE MAILED: 09/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/067,165	Applicant(s) WOOKEY ET AL.	
	Examiner Kenny Lin	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lack proper antecedence basis:

- i. Claim 7 – inconsistent use of “remote service” and “remote services”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 5-8, 11-14 and 17-18 rejected under 35 U.S.C. 102(e) as being anticipated by Dyer et al (Dyer), US 6,349,340.

6. Dyer was cited in the previous office action.
7. As per claim 1, Dyer taught the claimed invention including a method of communicating in a remote service system comprising:
 - a. Communicating a forward channel communication using a forward channel communication path (abstract, col.3, lines 38-39, col.4, lines 13-15, col.5, lines 54-57; e.g. channel for receiving client request or subscription for multicast data);
 - b. Communicating a back-channel communication using a back-channel communication path, the back-channel communication path being established only after a forward channel communication path is established (col.2, lines 33-35, col.6, lines 26-29; determining and enabling the source communication channel for receiving the requested multicast data); and
 - c. Using the back-channel communication path to multicast a message to a group of remote service components (col.1, lines 50-67, col.2, lines 31-38, col.4, lines 23-39; fig.1, once the client is subscribed to the data distribution service, server multicast message to all subscribing clients).
8. As per claim 7, Dyer taught the claimed invention including a method of communicating in a remote services system comprising:
 - a. Assigning a plurality of remote service components within the remote services system with a respective plurality of unique remote services identifiers (col.2,

Art Unit: 2154

lines 31-38, 44-47, col.3, lines 38-40, col.4, lines 23-39, col.7, lines 28-30, col.8, lines 44-45, 56-67);

- b. Communicating a forward channel communication using a forward channel communication path (abstract, col.4, lines 13-15, col.5, lines 54-57; channel for receiving client request);
- c. Communicating a back-channel communication using a back-channel communication path (col.2, lines 33-35, col.6, lines 26-29; enabling the source communication channel); and,
- d. Using the back-channel communication path to multicast a message to a group of remote service components based upon unique remote services identifiers corresponding to components of the group of remote service components (col.1, lines 50-67, col.2, lines 31-38, col.4, lines 23-39, col.7, lines 7-35, col.8, lines 44-45, 56-67, col.9, lines 17-27; fig.1).

9. As per claim 13, Dyer taught the claimed invention including a remote services system comprising:

- a. A plurality of remote service components, the plurality of components including a respective plurality of unique remote services identifiers (col.2, lines 31-38, 44-47, col.3, lines 38-40, col.4, lines 23-39, col.7, lines 28-30, col.8, lines 44-52, 56-67);

- b. A forward channel communication path coupled to the plurality of remote service components (abstract, col.4, lines 13-15, 23-39, col.5, lines 54-57; channel for receiving client request);
- c. A back-channel communications path coupled to the plurality of remote service components, the back-channel communications path allowing multicast of a message to a group of components based upon unique remote services identifiers corresponding to components of the group of remote service components (col.1, lines 50-67, col.2, lines 31-38, col.4, lines 23-39, col.6, lines 26-29, col.8, lines 44-45, 56-67, col.9, lines 17-27; fig.1; fig.1; enabling the source communication channel).

10. As per claims 2, 8 and 14, Dyer taught the invention as claimed in claims 1, 7 and 13. Dyer further taught that the message being multicast is an administrative control message (col.4, lines 53-55).

11. As per claims 5, 11 and 17, Dyer taught the invention as claimed in claims 1, 7 and 13. Dyer further taught that the remote services system includes an intermediate mid level manager, the intermediate mid level manager performing the multicast (col.5, lines 46-50, col.7, lines 7-35, col.8, lines 16-20; data distribution manager).

12. As per claims 6, 12 and 18, Dyer taught the invention as claimed in claims 1, 7 and 13. Dyer further taught that the remote service system/remote service components includes an

Art Unit: 2154

application mid level manager, the applications mid level manager sending a request to the intermediate mid level manager to perform the multicast (col.5, lines 43-45; Network application software).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3-4, 9-10 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dyer et al (Dyer), US 6,349,340, in view of Kamentsky et al (Kamentsky), US 2002/0065929.

15. Kamentsky was cited in the previous office action.

16. As per claims 3-4, 9-10 and 15-16, Dyer taught the invention substantially as claimed in claims 1, 7 and 13. Dyer did not specifically teach that the message being multicast is a bulk transfer request or a bulk data response. Kamentsky taught that the messages being multicast can be a bulk transfer request or a bulk data response (abstract, pp. 0006, 0023, 0031-0032, 0037, 0040-0041, 0044). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dyer and Kamentsky because Kamentsky's

Art Unit: 2154

teaching of effective transferring of bulk data enables Dyer's method to send large multicasting messages such as Universal Data Protocol message (see Kamentsky, abstract).

Response to Arguments

17. Applicant's arguments filed 8/22/2005 have been fully considered but they are not persuasive.

18. In the remark, applicant argued (1) Nowhere in any of the cited portions of Dyer discloses of a remote service system which includes a back-channel communication path being established only after a forward communication path is established or using the back-channel communication path to multicast a message to a group of remote services components. (2) Dyer does not disclose to include a plurality of remote services components, where the plurality of remote services components include a respective plurality of unique remote services identifiers.

19. Examiner traverse the argument:

20. As to point (1), Dyer clearly taught a method of communicating in a remote service system such as a data distribution network system (col.1, lines 19-39, 48-56) comprising:

- a. Communicating a forward channel communication using a forward channel communication path (abstract, col.3, lines 38-39, col.4, lines 13-15, col.5, lines 54-57; e.g. channel for receiving client request or subscription for multicast data);
- b. Communicating a back-channel communication using a back-channel communication path, the back-channel communication path being established

only after a forward channel communication path is established (col.2, lines 33-35, col.6, lines 26-29; determining and enabling the source communication channel for receiving the requested multicast data after the data request is received); and

- c. Using the back-channel communication path to multicast a message to a group of remote service components (col.1, lines 50-67, col.2, lines 31-38, col.4, lines 23-39; fig.1, once the client is subscribed to the data distribution service, server multicast message to all subscribing clients).

21. As to point (2), Dyer clearly taught to include a plurality of remote service components (fig.1; col.4, lines 23-39). Dyer inherently taught that each remote service components to include a respective unique remote service identifier (e.g. IP address or subscriber ID/information) since the data source server must determine which client is requesting or subscribing to a particular requested data (e.g. determine which client is sending open_module request in order to map a corresponding channel for transmitting data; col.8, lines 44-52, 56-67).

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2154


the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
September 14, 2005

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